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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
OMAR WARD, )  
 )  
Defendant. )

No. CR 06 0380 SI

**UNITED STATES' MOTION TO  
CONTINUE BRIEFING SCHEDULE  
AND TO UNSEAL TRANSCRIPT OF  
SENTENCING AND ~~PROPOSED~~  
ORDER**

AMENDED ORDER

Defendant has filed a motion for reduction of sentence pursuant to 18 U.S.C. 3582(c)(2). On October 12, 2007, he received a sentence which included ninety months imprisonment for the violation of 21 U.S.C.841(a)(1).

1. The government seeks to unseal the transcript of sentencing proceedings of October 12, 2007 in this matter for the limited purpose in responding to defendant's motion.

2. The government seeks a continuance of the Court's briefing schedule to permit the government access to the relevant rulings and determinations of the Court to form its response. The government proposes November 8, 2011 as the due date for its response and November 22, 2011 as the due date for defendant's reply.

3. The defendant has presented a motion under 18 U.S.C. § 3582(c)(2) for a reduction in sentence, on the basis of a proposed amendment to the Sentencing Guidelines with regard to crack cocaine offenses. This motion is premature, as the amendment does

1 not become effective until November 1, 2011, and only then if not disapproved by  
2 Congress.

3 Respectfully submitted,

4 MELINDA HAAG  
5 United States Attorney

6  
7 Dated: August 18, 2011

8 /s/  
9 BLAKE D. STAMM  
10 Assistant United States Attorney

11 **IT IS ~~SO~~ ORDERED.** that the Govt. response is due 11/8/11 and defts. reply, if  
12 any, is due 11/22/11.

13 Dated: 8/25/11

14   
15 SUSAN ILLSTON Illston  
16 United States District Judge

**CERTIFICATE OF SERVICE**

I, **KATHY TAT** declare:

That I am a citizen of the United States of America and employed in San Francisco County, California; that my business address is Office of United States Attorney, 450 Golden Gate Avenue, Box 36055, San Francisco, California 94102; that I am over the age of eighteen years, and am not a party to the above-entitled action.

I am employed by the United States Attorney for the Northern District of California and discretion to be competent to serve papers. The undersigned further certifies that I caused a copy of the following:

**UNITED STATES' MOTION TO CONTINUE BRIEFING SCHEDULE AND TO UNSEAL TRANSCRIPT OF SENTENCING AND PROPOSED ORDER**

to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed envelope, and served as follows:

  X   **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

       **PERSONAL SERVICE (BY MESSENGER/HAND DELIVERED)**

       **FACSIMILE (FAX) No.:** \_\_\_\_\_

to the parties addressed as follows:

Omar Ward  
94258-111  
FCI La Tuna  
PO 3000  
Anthony, TX 88021

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on   **August 19, 2011**   at San Francisco, California.

\_\_\_\_\_  
/s/  
**KATHY TAT**  
**Legal Assistant**